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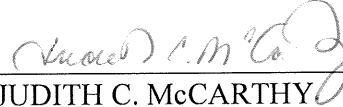
March 5, 2024

**Via ECF**

Hon. Judith C. McCarthy  
United States Magistrate Judge  
Federal Building and United States Courthouse  
300 Quarropas Street  
White Plains, New York 10601

**SO ORDERED:**

Counsel for non-party Susan Giordano is directed to file a response to this letter by March 7, 2024. Plaintiffs are directed to serve a copy of this Memo Endorsement on counsel for Ms. Giordano immediately.

 3-5-2024  
JUDITH C. MCCARTHY  
United States Magistrate Judge

Re: *Bamonte, et al v. Charatan, as Nominated Executor*  
File No. 7:22-cv-795-KMK

Dear Judge McCarthy:

We write as counsel for the Plaintiffs to request that Your Honor “so order” the continued deposition of Susan Giordano for either Monday, March 11, 2024, or Tuesday, March 12, 2024. Counsel for Plaintiffs and Defendant have confirmed they are both available on those dates.

By way of background, the deposition of Susan Giordano began on February 8, 2024. Ms. Giordano was represented by David Darwin, Esq. During Ms. Giordano’s deposition and in response to questions she was asked by Plaintiffs’ counsel, Mr. Darwin requested that the deposition be adjourned for another day because he was “not comfortable having her questioned about documents where there is some implication that there’s been possibly some criminal activity.” Thereafter, Plaintiff’s counsel made numerous attempts to reschedule Ms. Giordano’s deposition with Mr. Darwin. At the request of Mr. Darwin, Plaintiff’s counsel even provided him with a transcript of her open deposition.

On or about February 27, 2024, counsel for Plaintiffs was notified by Mr. Darwin that his representation of Ms. Giordano had been terminated. On March 4, 2024, counsel for the Plaintiff was informed that Evan Ostrer, Esq. had been retained by Ms. Giordano. Counsel for the Plaintiff informed Mr. Ostrer of the March 15, 2024 fact discovery deadline and he responded that he would write to the Court to request an extension of the discovery deadline solely for the purpose of taking Ms. Giordano’s deposition after March 15, 2024. No letter has been submitted to the Court by Mr. Ostrer.

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Hon. Judith C. McCarthy

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Given the looming deadline to complete discovery, Plaintiffs respectfully request that Your Honor “so order” the continued deposition of Susan Giordano for Tuesday, March 12, 2024 at 2:00 p.m.

Respectfully submitted,



Robert Abrams

Cc: All counsel (via ECF)  
Evan Ostrer, Esq. (via email)